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Board of Vocational Nursing  
and Psychiatric Technicians

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BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2007-137

**DAWNYELLE HEATHER KARCH**  
10202 Lorraine Lane  
Cypress, CA 90630

**ACCUSATION**

**Vocational Nurse License No. VN 217239**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about October 6, 2005, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License Number VN 217239 to Dawnyelle Heather Karch (Respondent) which expired on November 30, 2006. On or about February 18, 2010, the Board renewed the Vocational Nurse License which expired on November 30, 2010. Effective

1 October 11, 2010, the Board renewed the Vocational Nurse License which will expire on  
2 November 30, 2012, unless renewed.

### 3 JURISDICTION

4 3. This Accusation is brought before the Board under the authority of the following  
5 laws. All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 118(b) of the Code provides that the suspension, expiration, surrender, or  
7 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
8 action during the period within which the license may be renewed, restored, reissued or  
9 reinstated.

10 5. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part,  
11 that the Board of Vocational Nursing and Psychiatric Technicians (Board) may discipline the  
12 holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
13 section 2875) of the Vocational Nursing Practice Act.

14 6. Section 2892.1 of the Code provides, in pertinent part, that the Board may renew an  
15 expired license at any time within four years after the expiration.

### 16 STATUTORY AND REGULATORY PROVISIONS

17 7. Section 2859 of the Code states:

18  
19 The practice of vocational nursing within the meaning of this chapter is the  
20 performance of services requiring those technical, manual skills acquired by means of  
21 a course in an accredited school of vocational nursing, or its equivalent, practiced  
22 under the direction of a licensed physician, or registered professional nurse, as  
23 defined in Section 2725 of the Business and Professions Code.

24 8. Section 2860.5 of the Code states:

25 A licensed vocational nurse when directed by a physician and surgeon  
26 may do all of the following:

27 (a) Administer medications by hypodermic injection.

28 (b) Withdraw blood from a patient, if prior thereto such nurse has been  
instructed by a physician and surgeon and has demonstrated competence to such  
physician and surgeon in the proper procedure to be employed when withdrawing  
blood, or has satisfactorily completed a prescribed course of instruction approved by  
the board, or has demonstrated competence to the satisfaction of the board.

1 (c) Start and superimpose intravenous fluids if all of the following  
2 additional conditions exist:

3 (1) The nurse has satisfactorily completed a prescribed course of  
4 instruction approved by the board or has demonstrated competence to the satisfaction  
5 of the board.

6 (2) The procedure is performed in an organized health care system in  
7 accordance with the written standardized procedures adopted by the organized health  
8 care system as formulated by a committee which includes representatives of the  
9 medical, nursing, and administrative staffs. "Organized health care system," as used  
10 in this section, includes facilities licensed pursuant to Section 1250 of the Health and  
11 Safety Code, clinics, home health agencies, physician's offices, and public or  
12 community health services. Standardized procedures so adopted will be reproduced  
13 in writing and made available to total medical and nursing staffs.

14 9. Section 2878 of the Code states:

15 The Board may suspend or revoke a license issued under this chapter [the  
16 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the  
17 following:...

18 (a) Unprofessional conduct....

19 (d) Violating or attempting to violate, directly or indirectly, or assisting in  
20 or abetting the violating of, or conspiring to violate any provision or term of this  
21 chapter.

22 ....

23 (h) Impersonating another practitioner, misrepresenting professional  
24 credentials or licensure status, or permitting another person to use his or her  
25 certificate or license.

26 ....

27 (j) The commission of any act involving dishonesty, when that action is  
28 related to the duties and functions of the licensee.

....

10. Section 2885 of the Code states:

It is unlawful for any person or persons not licensed as provided in this  
chapter to impersonate in any manner or pretend to be a licensed vocational nurse, or  
to use the title "Licensed Vocational Nurse," the letters "L.V.N.," or any other name,  
word or symbol in connection with or following his name as to lead another or others  
to believe that he is a licensed vocational nurse.

1 **COST RECOVERY**

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct-Practicing as a LVN Without a License)**

8 12. Respondent is subject to disciplinary action under section 2878(h) of the Code in that  
9 Respondent misrepresented her professional credentials or licensure status. The circumstances  
10 are as follows. Respondent was employed as a licensed vocational nurse and performed the  
11 functions of a licensed vocational nurse at the rehabilitation facility, New Orange Hills, Orange,  
12 California effective February 1, 2006. On November 30, 2006, Respondent's vocational nurse  
13 license expired but she continued to be employed as a licensed vocational nurse and perform the  
14 functions of a licensed vocational nurse at that facility until she was discovered in or about July  
15 2007 altering her pocket license to make it appear as if her Vocational Nurse License was active  
16 and expired on November 30, 2008. On or about July 19, 2007, New Orange Hills terminated  
17 Respondent.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Practicing Without a Vocational Nurse License)**

20 13. Respondent is subject to disciplinary action under section 2878(d) for violation of  
21 2859 and 2860.5 of the Code for practicing without a vocational nurse license and performing the  
22 duties of a vocational nurse while her license was expired as is more fully set forth in paragraph  
23 12 above.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Impersonating Licensed Vocational Nurse)**

26 14. Respondent is subject to disciplinary action under section 2878(d) for violations of  
27 2885 of the Code in that Respondent impersonated and/or pretended to be a licensed vocational  
28 nurse as is more fully set forth in paragraph 12 above.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Commission of Acts Involving Dishonesty)

3 15. Respondent is subject to disciplinary action under section 2878(j) of the Code in that  
4 Respondent committed multiple acts of dishonesty as is more fully set for in paragraph 12 above.

5 PRAYER

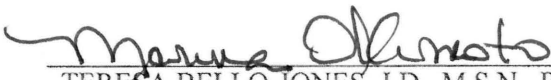
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
8 issue a decision:

9 1. Revoking or suspending Vocational Nurse License Number VN 217239, issued to  
10 Dawnyelle Heather Karch;

11 2. Ordering Dawnyelle Heather Karch to pay the Board of Vocational Nursing and  
12 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
13 pursuant to Business and Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.  
15  
16  
17

18 DATED: July 25, 2011

  
19 for TERESA BELLO-JONES, J.D., M.S.N., R.N.  
20 Executive Officer  
21 Board of Vocational Nursing and Psychiatric Technicians  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant  
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